

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Walter Tenesaca,

Plaintiff,

—v—

Gemelli Restaurant Group Inc., *et al.*,

Defendants.

19-cv-10976 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On March 6, 2020, the Court ordered Plaintiff to file proof of service on Defendants Giovanni Ferraioli and Mario Benforte, a status update regarding service, or a notice of voluntary dismissal for these Defendants by March 13, 2020. Plaintiff failed to comply with this order. On March 31, 2020, the Court ordered Plaintiff to respond to its March 6, 2020 and, within two weeks, to seek certificates of default and move for default judgment against Defendants Gemelli Restaurant Group, Inc. and Mamica, Inc. or file a status update with the Court explaining why a motion for default judgment against these Defendants should not be filed at this time. Plaintiff sought and received a thirty-day extension on these deadlines, but then failed to comply with even this extended schedule.

In light of the COVID-19 pandemic, the Court will give Plaintiff one final opportunity to comply with the Court's orders. Within one week of the date of this order Plaintiff should file proof of service on Defendants Giovanni Ferraioli and Mario Benforte, a status update regarding service, or a notice of voluntary dismissal for these Defendants. Also within one week of the date of this order, seek certificates of default and move for default judgment against Defendants

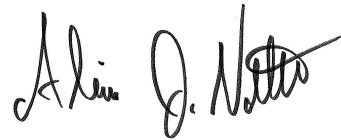
Gemelli Restaurant Group, Inc. and Mamica, Inc. or file a status update with the Court explaining why a motion for default judgment against these Defendants should not be filed at this time.

Plaintiff is on notice that failure to timely comply with this Court's Order may result in his claims being dismissed with prejudice for failure to prosecute. *See United States ex rel. Drake v. Norden Systems*, 375 F.3d 248, 250 (2d Cir. 2004) (noting "a district judge's authority to dismiss actions based on a plaintiff's failure to prosecute").

Additionally, Plaintiff must serve this order on all Defendants and file affidavits of service on ECF by June 17, 2020.

SO ORDERED.

Dated: June 10, 2020  
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", is written over a horizontal line.

ALISON J. NATHAN  
United States District Judge